

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-330 requesting a Departure from Parking and Loading Standards for *~~286~~ 24 parking spaces in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence and based on the applicants testimony presented at the public hearing on July 10, 2008, the Prince George's County Planning Board revised the conditions of approval rendered at the end of the staff report and deleted the condition number 1(a) in its entirety and revised condition 1(b) and finds:

WHEREAS, after consideration of the evidence presented at the public hearing on July 10, 2008, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject site, also known as the Coral Hills Shopping Center, is comprised of 6.968 acres of land in the C-S-C Zone. The property is located on the south side of Marlboro Pike at its intersection with Marlboro Pike and Boones Hill Road. The applicant is proposing to construct a 3,800 square foot McDonald's fast food restaurant within an existing shopping center with a gross floor area of 90,284 square feet. The shopping center has 620 feet of frontage and two 30-foot-wide driveways on the south side of Marlboro Pike. The shopping center also has approximately 470 feet of frontage along the east side of Boones Hill Road with two 30-foot-wide driveways. In addition, the site has an approximately 244-foot frontage on Edgewick Avenue and an approximately 114-foot frontage on Omaha Street. There is no access to the property from either Edgewick Avenue or Omaha Street.

During the field inspection, it was noted that the shopping center is well maintained; however, the southern border of the site, between Boones Hill Road and Edgewick Avenue, and on the eastern border, between Pinkard Place and Omaha Street, has an existing wooden fence and chain-link fence. The existing wooden fence in the proposed site is very poorly maintained and is deteriorating. Some adjacent single-family residences along the southern border of the property line have buffered their backyard with their own wooden fence. The site has many shade trees along the existing landscape strips and interior parking lot landscaping areas. The asphalt paving of the existing parking area in the northeast side of the parking lot, near the first access point to the site from Boones Hill Road, is in poor condition and the parking area pavement is crumbling while the other parking lot areas are well kept.

*Denotes correction

~~Brackets~~ denotes deletion

Underlining denotes addition

B. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	C-S-C	Unchanged
Use(s)	Shopping Center	Shopping Center and Fast Food Restaurant
Acreage	6.968	Unchanged
Lots	N/A	N/A
Parcels	A, C, D, E, 44, 45	Unchanged
Square Footage/GFA	86,484 sq. ft.	90,284 sq. ft.
Dwelling Units:	N/A	N/A

C. **History:** The previous approval for the property includes DDS-278 (Departure from Design Standards for loading space location), which was approved in 1987. The most recent permit approval for this shopping center was July 19, 2005 for an AutoZone auto parts store.

D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the 2002 General Plan Development Pattern policies for the Corridors in the Developed Tier. The application is in conformance with the land use recommendations of the 1985 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*. The 1986 sectional map amendment retained the existing C-S-C Zone.

E. **Request:** The applicant is requesting a departure of 24 parking spaces out of 362 required in the Zoning Ordinance. The applicant is providing 338 spaces to allow construction of a 3,800-square-foot McDonald’s fast food restaurant with drive through window expansion within the existing shopping center. The shopping center currently has 353 existing parking spaces. The expansion of the existing shopping center will increase the square footage from 86,484 square feet to a total of 90,284 square feet, reducing the existing parking spaces to 338, which will result in the loss of 15 existing parking spaces. The applicant is further proposing to resurface the entire parking area serving the McDonald’s.

F. **Surrounding Uses** (refer to the zoning map):

North — Across Marlboro Pike, opposite to the subject property, are various retail establishments (i.e. dry cleaners, fast food, etc.) in the C-S-C Zone.

East — Across Edgewick Avenue, near the intersection of Marlboro Pike and Edgewick Avenue, are commercial retail uses in the C-S-C Zone. South of the retail uses are single-family detached homes in the R-55 Zone.

- South — Adjacent to the site are single-family detached homes in the R-55 Zone.
- West — Across Boones Hill Road is a Metro bus repair and parking facility. North of that facility, immediately across from the proposed development, is a retail store also in the C-S-C Zone.

G. Design Requirements:

1. Number of Required Parking and Loading Spaces: **Section 27-568(a)(5)(C) (Schedule of Parking Spaces)** of the Zoning Ordinance requires one parking space for every 250 square feet of gross land area (GLA) for integrated shopping centers between 25,000 to under 400,000 square feet of GLA. For a shopping center with 90,284 square feet, 362 parking spaces are required. The site plan provides 338 parking spaces for the various uses in the shopping center including the proposed McDonald's restaurant addition. The site plan is deficient by 24 parking spaces. A DPLS is therefore required to address this deficiency.

Section 27-107.01(a)(128) Loading Area or Space: A space to be occupied by a vehicle, to or from which equipment and materials are transferred to or from any type of "Structure," and located on the same "Lot" as the "Structure" either:

- (A) Contiguous to any loading dock, bay, berth, or opening; or
- (B) Within one hundred (100) feet of the "structure" it serves.

Section 27-582(a) (Schedule of Loading Spaces) requires three loading spaces for the first 100,000 square feet of GLA and one space for each additional 100,000 square feet of GLA. This section also requires one loading space (per store) for retail sales and services comprising over 2,000 to 10,000 square feet of gross floor area (GFA).

The plan shows four existing loading spaces servicing the existing uses. In compliance with the Zoning Ordinance requirements for a fast food restaurant, one additional loading space is required since there is no loading space within one hundred feet of the proposed structure and the proposed use occupies a gross floor area of more than 2,000 square feet. The applicant is providing the required additional loading space to satisfy the proposed use on the site.

2. *Landscape Manual:* Section 4.3 Parking Lot Requirements and Section 4.4 Screening Requirements of the *Landscape Manual* are applicable to the area occupied by the newly created parking and loading spaces. The landscape plan complies with the requirements. However, the Urban Design Section staff recommends that the wood dumpster screening for the proposed fast food restaurant be replaced with vinyl or metal to minimize its

future maintenance. Additionally, it is recommended that the layout of the three existing parking spaces around the first access point to the subject site from Boones Hill Road be reconfigured to avoid potential vehicular circulation conflict and pass through traffic entering/exiting the shopping center.

3. Signs: No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height and setback requirements.

H. **Other Issues**—A departure from design standards for the location of loading spaces was approved pursuant to DDS-278, PGCPB Resolution No. 87-203, subject to the following condition:

A six-foot-tall sight tight fence shall be shown along the southern border of the site between Boones Hill Road and Edgewick Avenue; and on the eastern border between Pickard Place and Omaha Street. The fences shall be set back inside the landscaped strip.

The site does not demonstrate compliance with the previous condition of approval. The applicant must comply with the previous condition and provide a six-foot-tall sight tight fence.

I. **Required Findings—Departure from Parking and Loading Standards**

(A) **Section 27-588(b)(7)** of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

1. **The purposes of Section 27-550 will be served by the applicant's request.**

The purposes of the Parking Regulations are as follows:

- a. **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- b. **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- c. **To protect the residential character of residential areas; and**
- d. **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of the parking regulations will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading areas to serve the needs of the use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The site has four existing and one proposed loading space totaling five loading spaces, which satisfies the Zoning Ordinance requirement for a 100,000-square-foot integrated shopping center, as well as newly proposed retail sales and services comprising over 2,000 GFA.

The applicant is also providing enough parking spaces to meet the needs of its customers. In order to determine the number of necessary parking spaces and needs projection to adequately serve the various uses on the site, McDonald's submitted a parking analysis conducted by Street Traffic Studies, Ltd. (STS), dated October 17, 2007, for the shopping center expansion. The applicant's parking survey was conducted on Wednesday between the hours of 7:00–9:00 a.m. and 4:00–6:00 p.m., and on Saturday, September 22, 2007 between the hours of 11:00 a.m.–2:00 p.m. The hours surveyed encompass the peak demand hours for the shopping center. Since the proposed restaurant would only impact the front portion of the existing parking area, only that portion of the parking area was studied. Based on the parking demand survey, the highest parking demand occurred at 1:30 pm on Saturday when a total of 185 of the 353 parking spaces or 52 percent were occupied in the front portion of the shopping center leaving 144 parking spaces available in the front. The parking survey also notes that a large number of shopping center patrons walked to the center which would help explain the low demand for parking spaces. It was also noted that parking demand at fast-food restaurants with drive-through windows is typically 40–60 percent less than at restaurants without drive-through windows; therefore, the new McDonald's Restaurant would be easily accommodated with the remaining parking area of the shopping center.

Upon reviewing the information provided by the applicant, the Transportation Planning Section has indicated that there are no significant transportation issues associated with the departure request. The transportation staff also conducted a field check on a weekday along with a Saturday and concurred with the applicant's parking study. They have further recommended that a 25 percent fluctuation in parking (up to 208 spaces on a weekday and 231 on a Saturday vs. the applicant's study showing a maximum utilization of 166 spaces on a weekday and 185 on a Saturday) will provide for ample and convenient parking and loading accommodations to satisfy the restaurant's needs. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use; thus, nearby residential properties are not likely to be affected by the proposed departure. Therefore, the purposes of this subsection will be served by the requested departure.

2. The departure is the minimum necessary, given the specific circumstances of the request.

The departure is the minimum necessary. Due to the physical limitations of the site, irregular shape of the shopping center, and the fact that the shopping center is already developed, the applicant can only accommodate what is existing on-site. There are plenty of unused available parking spaces to serve both McDonald's customers and other customers shopping at the center. Additionally, the various parking layouts designed by the applicant's civil engineer further confirm that it is not efficient to remove all of the existing landscape islands within the shopping center to meet the Zoning Ordinance requirement. As such, the departure is the minimum necessary given the specific circumstances of the request.

3. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.

The proposed use will not intensify or exasperate existing traffic and parking conditions in the area. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As indicated, the restaurant is proposed in an existing shopping center surrounded by other businesses and single-family residential development; therefore, the applicant could not expand the existing parking lot. The STS parking study confirms that, while 353 parking spaces are provided in the center, only 185 spaces were occupied under peak hours. It was further observed that many pedestrians within close proximity of the residential developments were walking to the shopping center as opposed to driving. This phenomenon attributes to the fact that the center is located in a more urban type setting and requires less parking. These special circumstances make it clear that the proposed parking is adequate to serve the needs of the shopping center employees and its customers.

4. All methods for calculating the number of spaces required have either been used or found to be impractical.

All methods for calculation have been used and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. No other parking standard can be applied in this case.

5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

The Planning Board finds that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. This center is located on a corner of an intersection. It is not likely that patrons would park on residential streets and walk to this center. Further, there will be more than enough parking spaces on-site to accommodate all proposed uses, thus residential streets will not be impacted.

(B) In making its findings, the Planning Board shall give consideration to the following:

1. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within 500 feet of the subject property.

The other business establishments located in the area generate minimal traffic. These uses have their own parking accommodations on-site. The proposal provides for one loading space as required by the Zoning Ordinance. There is no shortage of parking and loading spaces within the general vicinity of this property.

2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.

The approved 1985 Master Plan and 1986 Adopted Sectional Map amendment for Suitland-District Heights and vicinity, Planning Areas 75A and 75B recommends the subject property for commercial, shopping center use.

A fast food restaurant in an integrated shopping center is permitted by right in the C-S-C Zone. The subject use is consistent with the recommendations and will not impair the integrity of the Master Plan.

3. The recommendations of a municipality (within which the property lies) regarding the departure.

This subject property is not within a municipality.

4. Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

There are no public parking facilities proposed for this area.

(C) **In making its findings, the Planning Board may give consideration to the following:**

- 1. Public transportation available in the area.**
- 2. Any alternative design solutions to off-street facilities which might yield additional spaces.**
- 3. The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property.**

There are existing bus stops along Marlboro Pike. The applicant did not indicate any significant use of public transportation by their patrons. The applicant appears to have exhausted any alternative design solutions that could yield additional parking spaces. The peak hours of the shopping center use are Saturday from at 11:00 a.m.–2:00 p.m. The subject property is located in a commercial area and, as indicated, parking demands that will be generated by the proposed restaurant expansion will be adequately satisfied with the existing parking spaces for the shopping center. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use. The proposal will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

- 4. In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is in the C-S-C Zone; therefore, the above section is not applicable.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends APPROVAL the above-noted application, subject to the following condition:

Prior to certification, the applicant shall revise the site plans to replace the wood dumpster screen with either a vinyl, metal, or brick screen.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns, Squire, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, July 10, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2008 [and corrected on October 6, 2008].

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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